

Remarks by United States Preet Bharara
U.S. v. Ahmad Khan Rahami
U.S. v. Kathy Scott, et al.
September 21, 2016

Good afternoon. My name is Preet Bharara, and I am the United States Attorney for the Southern District of New York.

Before we talk about the civil rights case we are announcing today, I want to say a few words about the terrorism charges we filed yesterday evening against Ahmad Kahn Rahami.

First, I am pleased and honored to be standing here today with Bill Sweeney, the new Assistant Director in Charge of the New York Field Office.

There has been a lot said already about how the bombing in Chelsea occurred on the first full day on the job for the new Police Commissioner, James O'Neill. I want to echo those who have remarked how lucky we are to have a great new Police Commissioner who was literally ready "on day one" to handle the job so ably and professionally – including this attack on our city.

But I want to note that the city also has a new FBI Assistant Director in Charge in Bill Sweeney – who although just a few weeks on the job – worked nonstop with the NYPD and the entire Joint Terrorism Task Force to investigate, capture, and now charge the alleged perpetrator.

From the moment the bomb went off in Chelsea Saturday evening until Rahami's capture in Linden, New Jersey on Monday morning, it was just about 39 hours.

That is an amazing feat. And we should all be immensely thankful for the tireless and seamless work of the FBI, NYPD, the JTTF, and Linden Police Department, among countless other law enforcement agencies.

I also want to acknowledge the work of investigators and prosecutors in my office who have worked on this investigation and on these charges around the clock. They – like many agents and officers at the JTTF – have barely slept since Saturday. They are Assistant U.S. Attorneys Emil Bove, Shawn Crowley, Andrew DeFillippis and Nick Lewin, and their supervisors John Cronan and Sean Buckley, as well as our investigators George Corey, Charlie Villani, and Kevin Song.

Thanks to their work, yesterday evening, we filed a four count criminal complaint in the Southern District of New York against Rahami, charging him with acts of terrorism, including use of weapons of mass destruction, bombing of a place public use, and destruction of property by explosives for the Chelsea bombing. Federal charges were brought against him in New Jersey as well for the bombs Rahami allegedly planted in Seaside Park and Elizabeth, New Jersey.

The first case to proceed will be the federal case brought in Manhattan federal court. We have filed a writ for Rahami with the U.S. Marshal Service, and we expect that he will soon be brought to this District.

The charges unsealed last night lay out the considerable evidence that the FBI and NYPD were able to gather in such a short time. This was a premeditated act of terrorism. The evidence includes:

- Twelve fingerprints recovered from the undetonated bomb from 27th Street in Chelsea, including on the pressure cooker, duct tape, and the triggering cell phone.
- Surveillance video of Rahami allegedly near the 23rd Street bomb, 27 minutes before the explosion.
- Surveillance video of Rahami walking with a suitcase near 27th Street just minutes after the explosion four blocks south.
- License plate readers showing a car tied to Rahami's residence entering Manhattan through the Lincoln Tunnel about two hours before the explosion and leaving Manhattan about two hours after.
- A handwritten journal found on Rahami at the time of his arrest talking about "jihad," "pipe bombs," a "pressure cooker bomb," and the "sounds of bombs ... heard in the streets." Laudatory references to Anwar Al-Awlaki and Osama Bin Laden.

This weekend, the American way of life was attacked. Everyday routines were shaken by explosions in Chelsea and in Seaside Park. The response to these misguided acts of terror has been classically American, and what we have come to expect, in our city, from New Yorkers: care for the victims, calm in the midst of chaos, and swift law enforcement action. Now, thanks to that response, Rahami will face federal terrorism charges in a court of law.

Showing the diversity of our docket, let me now turn to the federal civil rights case we were set to announce today.

Sometimes, law enforcement does us so proud, as we saw this week. Sometimes, sadly, law enforcement does not. That brings me to today's case.

Excessive use of force in prisons has reached crisis proportions in New York State. We have taken aggressive action, time after time after time, at Rikers Island. But the prison problem, sadly, does not end there.

Now, we are addressing the same abuse at Downstate Correctional Facility in Fishkill, New York. Today, we unseal charges against five former correction officers at Downstate for violating the Constitutional rights of an inmate named Kevin Moore. They are being charged for a brutal beating and a brazen cover-up. Two have already pled guilty and are cooperating.

First, the beating. It took place on November 12, 2013. On that day, Moore was on his way to Rikers Island from another upstate facility and was to be held just overnight at Downstate. Shortly after Moore arrived at Downstate, he was told that he would be held in cells designated for inmates with mental health issues.

Moore became very agitated, because he did not have mental health issues himself and feared that a designation to that unit would affect his future placement in prison.

We allege that, in retaliation, the charged correction officers struck Moore with wooden batons; punched him repeatedly in the face and ribs; kicked him in the head and in the groin; and even ripped dreadlocks off of his head – one allegedly picking up the ripped dreadlocks from the floor, saying that he wanted to save them as a trophy.

Even after Moore was on the ground, not resisting, begging them to stop, the officers continued to beat him.

That beating left Moore in a pool of his own blood, with five broken ribs, facial fractures, a collapsed lung, and severe contusions all over his body. And it landed him in the hospital for 17 days.

Second, the cover up:

Almost immediately after the beating, the cover-up began. As alleged, knowing that their attack on Moore had been unjustified, the correction officers concocted a cover story and plan. What did they do? They claimed that Moore had physically attacked a correction officer first and the officers had simply responded to that attack with just the “reasonable” amount of force necessary to restrain him.

To support this false story, the correction officers went to great lengths. We allege that they actually took a baton and struck another officer hard, to make it look like it was the Victim, Kevin Moore, who had inflicted the injury. That officer is one of our cooperating witnesses.

A cruel and savage beating, followed by a shameless cover-up. That is what we allege in the charges announced today.

We announce today charges against five defendants: former Sergeant Kathy Scott; former correction officers George Santiago, Jr., Carson Morris; Donald Cosman; and Andrew Lowery. The last two, Cosman and Lowery, have already pled guilty to civil rights violations and obstruction charges and are cooperating with the Government in this case, as I mentioned.

All five defendants are charged with federal civil rights crimes for violating Moore’s constitutional rights and with two counts of falsifying records and obstructing justice for their allegedly fake cover-up story filed in various official reports.

Federal civil rights cases against correction officers who violate inmates’ constitutional rights are hard to make. That is particularly the case where – as we allege here – officers get together to come up with a cover story. We were able to make the charges announced today thanks to the tireless work and close collaboration of our law enforcement partners.

First, I want to thank the FBI represented here today by Bill Sweeney, the new Assistant Director in Charge of the New York Field Office. The FBI is our partner in so many of our important cases and this case is no exception. In particular, I want to thank FBI Special Agents Michael Castner and Jillian Guerrero.

I also want to thank and acknowledge the Dutchess County District Attorney William Grady and his office for the great collaboration in this case. In particular, I want to thank ADA Matthew Weishaupt and Investigator Gary Leigh.

I want to recognize the Department of Corrections and Community Supervision's Office of Special Investigations, represented here today by Chief Steve Maher for their cooperation in this investigation. In particular, I want to thank investigators John Pratt and Tom Knight.

Finally, I want to thank the investigators and career prosecutors in my office who have worked hard in making this important case, in particular Assistant United States Attorneys Daniel Filor and Pierre Armand, as well as their supervisors Perry Carbone, Miriam Rocah, Lara Eshkenazi, David Kennedy, Tara LaMorte, and Investigator Sean Smyth.

Inmates may be walled off from the public, but "they are not walled off from the Constitution."

When correction officers viciously beat an inmate in their charge, when they collude among themselves to cover it up – as alleged here – they trample on the Constitution and the very laws they have sworn to uphold.